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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/623,426 | 04/03/2001 | Jesper Kristoffer Larsen | LARSEN1 | 5642 |

7590 02/09/2005

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| EXAMINER |
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PRICE, RICHARD THOMAS JR

| ART UNIT | PAPER NUMBER |
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3643

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,426

Applicant(s)

LARSEN, JESPER KRISTOFFER

Examiner

Thomas Price

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SDX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SDX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65, 67, 68 and 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-65, 67, 68 and 70 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

The amendment filed on 11-19-2003 have been considered, as a result, the election of species requirement has been withdrawn. However, an additional election of species requirement is deemed to be proper

Election of Species

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I, claim 22.

Species II, claim 24

Species III, claim 27, and 30-32.

Species IV, claim 28.

Species V, claims 34, 35 and 47.

Species VI, claims 36 and 37.

Species VII, claim 38.

Species VIII, claim 39 and 40.

Species IX, claims 41 and 42.

Species X, claim 43.

Species XI, claim 44.

Species XII, claim 45.

Species XIII, claim 46.

Species XIV, claims 48-57, 67, 68 and 70.

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Species XV, claim 60.

Species XVI, claim 62,

Species XVII, claim 64.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Species I includes a means for controlled feeding of an animal to automatically recognize whether the animal is provided with a specific amount of feed.

Species II includes a means for directing the animal toward one of the outlets doors comprising a turnable fence.

Species III includes a means for automatically separating and/or isolating an identified animal in a locate within the movable hut.

Species IV includes a means for controlling the content of subcutaneous fat on selected areas of an identified animal.

Species V includes a mud hole.

Species VI includes a mud hole in combination with a draining means.

Species VII includes a mud hole in combination with a means for adding liquid.

Species VIII includes a movable mud hole.

Species IX includes facilities for slaughtering the animals is positioned within or in close proximity to the fenced in open air field area.

Species X includes facilities for slaughtering the animals and a means for collecting the waste from the slaughtering facilities.

Species XI includes a means for detecting and selecting an animal ready for slaughtering.

Species XII includes a certain amount of animals.

Species XIII includes the fenced in field area is no less than 10 square meter per animal in the system.

Species XIV includes a plurality of enclosures.

Species XV includes measuring the skin of a porker via infra red radiation from the animal.

Species XVI includes adjusting the amount of feed fed to each porker based on the air temperature.

Species XVII includes separating a porker in response to the determined temperature of said porker.

Claims 1-21, 23, 25, 26, 29, 33, 58, 59, 61, 63, 65 and 68 are anticipated or lack inventive step over the Prior Art of Record, and therefore, lack a special technical feature and are not generic

The following claim(s) are generic: No claims appear to be generic

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Each of the species listed above contain a special technical feature which is not claimed in any of the remaining species.

A telephone call was made to Mr Iver Cooper on 02-23-2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-2694. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas Price
Primary Examiner GAU: 3643